

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1, 3-5, 7-9 and 11-20. Claims 5, 9 and 13 are amended herein, and new claims 21 and 22 are added. Claims 8 and 14-20 are cancelled without prejudice and claims 2, 6 and 10 remain cancelled.

Proper support for the amendments may be found at least on page 15, line 13-15; page 17, line 15-24; page 18, line 21-24; page 19, line 10-13; page 22, line 12 through page 23, line 16 and page 25, line 22 through page 27, line 6. No new matter is presented.

Thus, claims 1, 3-5, 7, 9, 11-13, 21 and 22 are pending and under consideration. The rejections are traversed below.

OBJECTION AND REJECTION OF CLAIM 20:

At items 2-4, the Examiner objected to and rejected claim 20. As mentioned above, claim 20 is cancelled herein without prejudice.

Therefore, withdrawal of the rejection and the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1, 3-5, 7-9 and 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over different combinations of the following: U.S. Patent No. 6,278,885 (Hubbe), U.S. Patent Pub. No. 2001/0053688 (Rignell) and U.S. Patent No. 6,484,026 (Hägebarth). As mentioned above, claims 8 and 14-20 are cancelled herein.

In the outstanding Office Action, the Examiner asserts that the combination of Hubbe and Rignell or Hubbe and Hägebarth teaches updating contents of a storage medium after comparing contents of another storage medium with those of a built-in memory to determine update need when the storage medium is replaced with the other storage medium. The Examiner also asserts that the references teach updating contents in a built-in memory of another portable terminal after comparing contents of the storage with those of the built in memory of another portable terminal to determine update need when the storage medium is inserted into another portable terminal.

The present invention protects a portable telephone that includes a module element (ME), a SIM card and an IC card from unauthorized use. For example, when the portable telephone (ME) detects that a new SIM card or an IC card is inserted, the portable telephone (ME) changes the setting of the new SIM card or IC card without comparing the contents thereof with the contents of the portable telephone (ME). In a similar manner, when it is detected that

the SIM card or IC card is reinserted into another portable telephone (ME), the other portable telephone (ME) is changed without comparing contents of the pulled out SIM card or IC card with the contents of the portable telephone (ME). That is, set-up change disabling functions of the portable telephone is effective when, for example, a third party tries to execute an unauthorized use of the telephone (i.e., lost telephone) by inserting a new SIM card, or removes the SIM card without authorization and reinserts the same into another portable telephone.

Independent claim 1, by way of example, recites "a single setting changing mail" that includes "a computer program that changes contents of the built-in memory together with contents of the storage medium of the portable terminal at a time and a setting changing identifier that identifies the setting changing mail such that said portable terminal is configured to execute a different function." Independent claims 11 and 12 recite similar features.

Independent claim 5 recites, "a single setting changing mail... including a computer program that changes contents of both the built-in memory and the storage medium of the portable terminal at a time, and a setting changing identifier that identifies the setting changing mail." Claim 5 further recites, "updating the contents of both of said built-in memory and said storage medium collectively..." and "when said storage medium is replaced with another storage medium, updating contents of said other storage medium by running the computer program contained in the setting changing mail stored in said built-in memory." Claim 13 also recites similar features.

In contrast, Hubbe is limited to recovery of message data in a subscriber identification card (see, col. 4, lines 47-61), Rignell is directed to providing support to a mobile communications unit in response to a support request based on a user action (see, paragraph 29) and Hägebarth only sends a message to a customer subsequent to clearing a mobile telephone SIM card (see, col. 3, lines 35-40 and col. 5, lines 4-9). That is, Hubbe, Ringnell and Hägebarth are each limited to normal uploading of data in a portable telephone.

Hubbe, Ringnell and Hägebarth, alone or in combination, do not teach or suggest "updating contents of said other storage medium by running the computer program contained in the setting changing mail stored in said built-in memory" (claims 5 and 13) and changing "contents of the built-in memory together with contents of the storage medium a time" (claims 1, 11 and 12).

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, as recited in claim 9, when the storage medium is

"inserted into a main body of another portable terminal, updating contents in a built-in memory of said main body of the other portable terminal by running the computer program contained in the setting changing mail stored in said storage medium." Newly added claim 21 also recites similar features.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM 22:

New claim 22 is added to recite, "storing a setting mail received from an external device in a built-in memory of the portable terminal" and "updating contents of a new storage medium provided to the portable terminal without requiring a comparison of contents stored in the built-in memory with contents of the new storage medium."

The cited references are limited to comparison of software or firmware data for determining whether an update is relevant in standard update and do not teach or suggest the features of claim 22 including "updating contents of a new storage medium... without requiring a comparison of contents stored in the built-in memory with contents of the new storage medium."

Therefore, new claim 22 is patentably distinguishable over the cited references.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 06/27/2006
1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

By: *Temnit Afework*
Temnit Afework
Registration No. 58,202

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on June 27, 20 06
STAAS & HALSEY
By: *Don Russell*
Date: 6/27/06